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6 Attorneys for Chapter 11 Trustee
RICHARD A. MARSHACK

7
8 UNITED STATES BANKRUPTCY COURT
9 CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION

10
11 In re

12 THE LITIGATION PRACTICE GROUP P.C.,

13 Debtor.
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Case No: 8-23-bk-10571-SC

Chapter 11

NOTICE OF MOTION AND MOTION FOR
ORDER AUTHORIZING PRODUCTION
OF DOCUMENTS FROM JPMORGAN
CHASE BANK, NA PURSUANT TO
FEDERAL RULE OF BANKRUPTCY
PROCEDURE 2004; MEMORANDUM OF
POINTS AND AUTHORITIES; AND
DECLARATION OF BRADFORD N.
BARNHARDT IN SUPPORT

[NO HEARING REQUIRED]

Date of Production:

Date: April 9, 2024

Time: 10:00 a.m.

Location: Marshack Hays Wood LLP
870 Roosevelt
Irvine, CA 92620

23 TO THE HONORABLE SCOTT C. CLARKSON, UNITED STATES BANKRUPTCY JUDGE,
24 THE OFFICE OF THE UNITED STATES TRUSTEE, AND ALL INTERESTED PARTIES:

25 Richard A. Marshack, in his capacity as Chapter 11 Trustee (“Trustee”) of the Bankruptcy
26 Estate (“Estate”) of The Litigation Practice Group P.C. (“Debtor”), respectfully files this motion
27 requesting that the Court enter an order requiring JPMorgan Chase Bank, NA (“Bank”) to produce
28 documents identified in Exhibit “1” no later than April 9, 2024, or at any other date as may be

1 agreed upon in writing by Trustee and Bank. The documents are requested pursuant to Rule 2004 of
2 the Federal Rules of Bankruptcy Procedure (“FRBP”) and Rule 2004-1 of the Local Bankruptcy
3 Rules (“LBR”). Counsel for Trustee has attempted to meet and confer with Bank as required by LBR
4 2004-1(a).

5 Bank is to either (i) produce the original documents for inspection and copying at the law
6 offices of Marshack Hays Wood LLP, 870 Roosevelt, Irvine, CA 92620, (ii) mail copies of the
7 documents to Marshack Hays Wood LLP, 870 Roosevelt, Irvine, CA 92620 or (iii) e-mail said
8 documents in pdf format to D. Edward Hays at ehays@marshackhays.com and Bradford N.
9 Barnhardt at bbarnhardt@marshackhays.com. This Motion is based upon the accompanying
10 Memorandum of Points and Authorities, Declaration of Bradford N. Barnhardt and all documents on
11 file in this case.

12
13 DATED: March 18, 2024

MARSHACK HAYS WOOD LLP

14
15 By: /s/ Bradford N. Barnhardt

D. EDWARD HAYS

BRADFORD N. BARNHARDT

Attorneys for Chapter 11 Trustee

RICHARD A. MARSHACK

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Memorandum of Points and Authorities

1. Summary of Argument

Pursuant to FRBP 2004, the Court may order the examination of an entity regarding matters that relate to acts, conduct, or property or to the liabilities and financial condition of the Debtor, or to any matter that may affect the administration of the Debtor's Estate. In this case, the Trustee, his counsel, and his accountants require the records related to Debtor's financial accounts in order to investigate and ascertain the extent/scope of certain avoidance actions. Thus, the Trustee files the instant motion to obtain the records directly from Bank.

2. Factual Background

On March 20, 2023, The Litigation Practice Group P.C. ("Debtor") filed a voluntary petition under Chapter 11 of Title 11 of the United States Code, initiating bankruptcy Case No. 8:23-bk-10571-SC in the United States Bankruptcy Court for the Central District of California, Santa Ana Division.

On March 30, 2023, as Dk. No. 21, the United States Trustee filed a motion to dismiss or convert the case under 11 U.S.C. § 1112(b) for failure to comply with the U.S. Trustee guidelines and requirements for a chapter 11 case.

On April 4, 2023, Debtor filed its schedules and statements. Docket Nos. 32-34, 36; *see also* Docket Nos. 52-54 (amended schedules and statements).

On May 4, 2023, the Court entered an "Order Directing United States Trustee to Appoint Chapter 11 Trustee." Docket No. 58. Richard A. Marshack was appointed as the Chapter 11 trustee of the Debtor's estate. Docket Nos. 62-65.

On July 7, 2023, as Dk. No. 191, Trustee filed a sale motion in the Bankruptcy seeking to sell substantially all of Debtor's assets including, leases, equipment, furniture, consumer client accounts, prepayments, legal service agreements, intellectual property, pending licenses, and certain proprietary property, all of which is defined in Section V.A. of the sale motion ("Sale Motion").

By Order of July 22, 2023, the Court authorized Trustee's sale of the Debtor's property (Dk. No. 320).

1 **3. First 2004 Motion**

2 On August 29, 2023, as Dk. No. 468, the Trustee filed a Motion for Order Authorizing
3 Production of Document from JPMorgan Chase Bank, NA Pursuant to FRBP 2004 (“First 2004”).

4 On August 30, 2023, as Dk. No. 469, the Court entered an order granting the First 2004.

5 After review of the documents provided by Bank, Trustee requires additional information
6 and records not requested in the First 2004, related to Debtor’s financial accounts, to investigate and
7 ascertain the extent/scope of certain avoidance actions.

8 **4. Grounds for 2004 Examination**

9 Pursuant to FRBP 2004, the Court may order the examination of an entity regarding matters
10 that relate to acts, conduct, or property or to the liabilities and financial condition of the Debtor, or to
11 any matter that may affect the administration of the Debtor’s Estate. In this case, the Trustee, his
12 counsel, and his accountants require the records related to Debtor’s financial accounts to investigate
13 and ascertain the extent/scope of certain avoidance actions. Debtor’s production of documents
14 revealing its prepetition financial affairs, including books and records, has been deficient to date.
15 Thus, the Trustee files this Motion to obtain the records directly from Bank.

16 **5. Argument**

17 **A. Scope of Examination of Rule 2004(b) of the FRBP**

18 Rule 2004(b) of the FRBP provides that the scope of examination must relate to “acts,
19 conduct, or property or to the liabilities and financial condition of the debtor, or to any matter which
20 may affect the administration or the debtor’s estate, or to the debtor’s right to a discharge.” Through
21 this Motion, the Trustee seeks by examination to obtain information regarding possible concealed
22 assets, unauthorized transfers of Estate property, diversion of income and Estate assets, and potential
23 avoidance actions to avoid, recover and preserve, certain prepetition transfer of assets.

24 By this examination, Trustee seeks to obtain records relating to Debtor’s business, assets,
25 including monthly bank statements, cancelled checks, all documents detailing other debits, and wire
26 transfers. The documents that Trustee seeks are set forth in **Exhibit 1** of this motion.

1 **B. Document Production**

2 FRBP 2004(e) provides that “If the debtor resides more than 100 miles from the place of
3 examination when required to appear for an examination under this rule, the mileage allowed by law
4 to a witness shall be tendered for any distance more than 100 miles from the debtor’s residence at the
5 date of the filing of the first petition commencing a case under the Code or the residence at the time
6 the debtor is required to appear for the examination, whichever is the lesser.”

7 Trustee does not seek authority to orally examine Bank pursuant to this Motion, and Bank
8 does not need to appear for examination. Instead, Trustee asks that Bank be ordered to produce the
9 documents identified in **Exhibit 1** on or before April 9, 2024, or at any date agreed to by Trustee
10 and Bank, at the offices of Marshack Hays Wood LLP, 870 Roosevelt, Irvine, California 92620, or
11 by either (i) mailing copies of the documents to Marshack Hays Wood LLP, 870 Roosevelt, Irvine,
12 California 92620 or (ii) e-mailing said documents in pdf format to D. Edward Hays at
13 ehays@marshackhays.com and/or Bradford N. Barnhardt at bbarnhardt@marshackhays.com. As
14 such, Trustee is not required to tender a mileage allowance or a witness fee.

15 **C. Compliance with LBR 2004-1**

16 Local Bankruptcy Rule (“LBR”) 2004-1 provides that:

17 **(a) Conference Required.** Prior to filing a motion for examination or
18 for production of documents under FRBP 2004, the moving party must
19 attempt to confer (in person or telephonically) with the entity to be
examined, or its counsel, to arrange for a mutually agreeable date,
time, place, and scope of an examination or production.

20 **(b) Motion.** A motion for examination under FRBP 2004 must be filed
21 stating the name, place of residence, and the place of employment of
22 the entity to be examined, if known. The motion must include a
23 certification of counsel stating whether the required conference was
held and the efforts made to obtain an agreeable date, time, place, and
scope of an examination or production. The motion must also explain
why the examination cannot proceed under FRBP 7030 or 9014.

24 LBR 2004-1(a), (b).

25 Bank is a financial institution that had business dealings with Debtor. On or about February
26 23, 2024 Bradford N. Barnhardt (“Mr. Barnhardt”) of Marshack Hays Wood LLP, counsel for the
27 Trustee, caused a meet and confer letter to be sent to Bank, in an effort to arrange for the production.
28 See, Barnhardt Decl. ¶ 5. After receiving no response to the meet and confer letter, Trustee now files

1 this Motion in an effort to secure all documents requested in **Exhibit “1”** of this Motion.

2 The examination cannot proceed by formal discovery under FRBP 7030 or FRBP 9014
3 because there are no pending adversary proceedings or contested matters to which the scope of the
4 document production relates to the Trustee.

5 **D. Certification Pursuant to LBR 2004-1**

6 Undersigned counsel for the Trustee certifies that on February 22, 2024, prior to filing this
7 Motion, they attempted to communicate with Bank regarding the time, place, and scope of the
8 production sought by this Motion, as required by LBR 2004-1. *See*, Barnhardt Decl. ¶ 5.

9 **6. Conclusion**

10 For the foregoing reasons, the Trustee respectfully requests that the Court grant this Motion
11 and order the requested examination. Specifically, Trustee requests that Bank be ordered to produce
12 the documents identified in Exhibit “1” no later than April 9, 2024, or any other day mutually
13 agreeable to Bank and Trustee.

14
15 DATED: March 18, 2024

MARSHACK HAYS WOOD LLP

16
17 By: /s/ Bradford N. Barnhardt

D. EDWARD HAYS

BRADDFORD N. BARNHARDT

Attorneys for Chapter 11 Trustee,

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Declaration of Bradford N. Barnhardt

I, BRADFORD N. BARNHARDT, say and declare as follows:

1. I am an individual over 18 years of age and competent to make this Declaration.

2. I am an attorney at law duly admitted to practice before this Court and all courts of the State of California. I am an associate with the law firm of Marshack Hays Wood LLP ("Firm") and maintain offices at 870 Roosevelt, Irvine, California 92620.

3. I make this Declaration in support of the Trustee's Motion for Examination of JPMorgan Chase Bank, NA ("Bank"), pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure ("Motion"). By this Motion, Trustee seeks the documents identified in the attached **Exhibit "1."** To complete the investigation into potential avoidance causes of action, Trustee believes these documents are needed.

4. Capitalized terms not defined in this Declaration shall have the meaning ascribed to them in the Motion. The facts set forth in this Declaration are true of my personal knowledge, and if called upon to do so I could and would competently testify to these facts.

5. On or about February 23, 2024, I caused the Firm's staff to transmit a meet and confer letter regarding the FRBP 2004 production to Bank. Attached hereto as **Exhibit "2"** is a true and correct copy of the meet and confer letter. To date, Bank has not responded to the meet and confer letter.

6. I am informed and believe that the examination cannot proceed by formal discovery under FRBP 7030 or FRBP 9014 because there are no pending adversary proceedings or contested matters to which the scope of the document production relates to the Trustee.

7. I believe that the examination of Bank under Rule 2004(b) of the Federal Rules of Bankruptcy Procedure will assist the Trustee in recovering assets of the Estate.

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 18, 2024.

/s/ Bradford N. Barnhardt
BRADFORD N. BARNHARDT

EXHIBIT 1

Exhibit 1

Rule 2004 Examination Definitions and Instructions

A. Definitions

As used in these Requests, the following terms shall be defined as follows:

1. “DEBTOR” shall mean and refer to The Litigation Practice Group P.C., the debtor in Case No. 8:23-bk-10571-SC, a voluntary chapter 7 case currently pending in the United States Bankruptcy Court for the Central District of California, Central Division.

2. “BANKRUPTCY CASE” shall mean the Chapter 11 bankruptcy proceeding, initiated on March 20, 2023, as a Chapter 11 bankruptcy proceeding, Central District of California Bankruptcy Case No. 8:23-bk-10571-SC.

3. “YOU,” “YOUR,” and “RESPONDENT” shall mean and refer to the person most knowledgeable for JPMorgan Chase Bank, NA on the subject of the request.

4. “VULCAN” shall mean Vulcan Consulting Group.

5. “TRUSTEE” shall mean and refer to Richard A. Marshack, in his capacity as Chapter 11 trustee of the BANKRUPTCY CASE, and all other persons or agents acting on his behalf in his capacity as Chapter 7 trustee of this case.

6. “PETITION DATE” shall refer to March 20, 2023.

7. “DOCUMENT” or “DOCUMENTS” mean and refer to any written, recorded (electronically or otherwise), printed, or graphic matter, however produced or reproduced, whether existing in paper format, as ELECTRONICALLY STORED INFORMATION, or otherwise, of any kind or description, including originals, copies, non-identical copies, and drafts and both sides thereof. DOCUMENTS include but are not limited to sound recordings, electronic memoranda, and files with meta data intact (including e-mail or similar electronic messages or memos and word processing, database, and spreadsheet files), photographs, ESI (defined below), and all other tangible things in which words, figures, notations, or sounds are recorded in writing or by any other means, however denominated, and any such material underlying, supporting, or used in the preparation thereof.

8. “RELATING TO” shall have the same meaning as “RELATE,” “REFER,”

1 “REFERRING TO,” “RELATED TO,” “EVIDENCE,” “EVIDENCING,” and “CONSTITUTE”
2 and includes referring to, recording, reflecting, supporting, interpreting, prepared in connection
3 with, used in preparation for, pertaining to, mentioning, having any relationship to, or being in any
4 way legally, logically, or factually connected with the matter discussed, in whole or in part.

5 9. “COMMUNICATION” means any transmission, relation, or delivery of things,
6 facts, thoughts or ideas by any means, method, or medium on or by which intelligence or
7 information can be delivered, transported, recorded, maintained or retrieved, including telephonic
8 face to face conversation, without limitation, any handwritten, typed, printed, graphic, electric,
9 magnetic, or illustrative material of any kind or description, including ESI (defined below), drafts
10 and final versions, originals and reproductions, signed and unsigned versions, however produced
11 or reproduced, and regardless of whether approved, signed, sent, received, redrafted, prepared by
12 or for, or in the possession, custody or control of the party to whom this discovery is propounded
13 or any other PERSON acting or purporting to act on behalf of such party.

14 10. “ELECTRONICALLY STORED INFORMATION” or “ESI” shall include,
15 without limitation, the following:

16 a. Information that is generated, received, processed, and recorded by laptop
17 computers, desktop computers, microprocessors, all manner of digital recording devices such as
18 portable cameras and microphones included with smartphones, and other electronic devices;

19 b. Internal or external web sites and servers;

20 c. Text, subject lines, attachments, contacts, appointments, and all information
21 contained within electronic mail (“e-mail”) accounts, whether those accounts are hosted or
22 serviced by a third-party provider such as Google’s Gmail, Microsoft Outlook, or Apple Mail;

23 d. Any and all communications, posts, text, images, or video messages posted
24 on a public-facing social media service such as Facebook, Google+, Twitter, Instagram,
25 Wordpress, Snapchat, or other social media service, to the extent not protected by federal and state
26 privacy laws;

27 e. Output resulting from the use of any software program, whether said
28 electronic data exists in an active file, specifying all files that are accessible and stored in a readily

1 usable format (e.g., active, online data; near-line data; offline storage; and archives);

2 f. Activity listings of email receipts and transmittals; and

3 g. All items stored on computer memories, hard disks, solid state drives or
4 hybrid drives, floppy disks, CD-ROMs, DVD-ROMS, Blu-ray disks, magnetic tape, microfiche,
5 USB memory sticks, external hard drives, online “cloud” storage hosted by an external service
6 such as Amazon Web Services, Microsoft OneDrive, iCloud, or a comparable service, the internal
7 flash memory of a smartphone such as an iPhone or Android device, or on any other media for
8 digital data storage or transmittal (e.g., a personal digital assistant such as a Blackberry), and file
9 folder tabs or containers and labels appended or relating to any physical storage device associated
10 with each original or copy of all Documents requested herein.

11 11. “IDENTIFY” shall mean:

12 a. When used in reference to a DOCUMENT, to state the type of
13 DOCUMENT (e.g., letter, memorandum, telegram, chart, etc.), its author and originator, its date or
14 dates, all addressees and recipients, and its present location or custodian;

15 b. When used in reference to a natural person, to state the person’s full name,
16 current residence and business addresses, current residence and business telephone numbers and, if
17 applicable, his or her title, employment, and job description. If current addresses are unknown,
18 provide the last known business and residence address; and,

19 c. When used in reference to an entity, to state the name, address, and
20 telephone number of the entity.

21 B. Instructions

22 1. Documents Withheld

23 If any DOCUMENT is withheld under a claim of privilege or other protection, so as
24 to aid the Court and the parties hereto to determine the validity of the claim of privilege or other
25 protection, please provide the following information with respect to any such DOCUMENT:

26 a. The DOCUMENT’S title, if any;

27 b. The full legal name, address, and title of the person(s) who prepared the
28 DOCUMENT, who signed it, and over whose name it was sent or issued;

1 c. The full legal name, address, and title of each person(s) to whom the
2 DOCUMENT was directed;

3 d. The nature and substance of the DOCUMENT with sufficient particularity
4 to enable the Court and parties to this ACTION to identify the DOCUMENT;

5 e. The date the DOCUMENT was first prepared;

6 f. The full legal name, address, and title of each person(s) who has custody of
7 or control over the DOCUMENT and each copy thereof;

8 g. The full legal name, address, and title of each person to whom copies of the
9 DOCUMENT were furnished;

10 h. The number of pages comprising the DOCUMENT;

11 i. The specific legal or factual basis on which any privilege or other protection
12 is claimed (blanket claims of attorney-client privilege will not be deemed sufficient);

13 j. Whether any non-privileged or non-protected matter is included in the
14 DOCUMENT, and whether the DOCUMENT can be sufficiently redacted to disclose only non-
15 privileged or non-protected matter;

16 k. The full legal name, address, and title of each person who has seen or
17 reviewed or is likely to have seen or reviewed the document; and a description of the subject
18 matter of the document YOU consider adequate to support the claim of privilege.

19 2. Partial Production

20 Whenever YOU object to a particular request, or portion thereof, YOU must produce all
21 documents called for which are not subject to that objection. Similarly, wherever a document is not
22 produced in full, state with particularity the reason or reasons it is not being produced in full, and
23 describe, to the best of YOUR knowledge, information and belief and with as much particularity as
24 possible, those portions of the DOCUMENT which are not produced.

25 3. Orderly Response

26 Please produce DOCUMENTS in such manner with specific reference to which
27 interrogatory, request for production, etc. which the DOCUMENT is responsively produced to.
28 Please produce all DOCUMENTS as they are kept in the usual course of business, organizing,

1 naming, and labeling them to correspond with each Request.

2 4. Construction of “And” and “Or”

3 As used herein, the words “and” and “or” shall be construed both conjunctively and
4 disjunctively, and each shall include the other wherever such dual construction will serve to bring
5 within the scope of this request any documents which would otherwise not be brought within its
6 scope.

7 5. Construction of the Singular and Plural Forms

8 As used herein, the singular form shall include the plural and vice versa whenever such
9 dual construction will serve to bring within the scope of this request any documents which would
10 otherwise not be brought within its scope.

11 6. Form of Production

12 YOU are to produce the requested DOCUMENTS for inspection, copying, or
13 photographing in their original form or legible, accessible electronic reproduction thereof.
14 DOCUMENTS may be produced electronically at YOUR option.

15 With regard to electronically-stored information, please produce Microsoft PowerPoint
16 presentations containing audio, Microsoft Excel documents containing macros, and Microsoft
17 Access databases in native format. Please produce all other documents produced electronically in
18 native format with metadata intact or in PDF format with metadata intact. Alternatively,
19 DOCUMENTS produced electronically may be produced in TIFF format with standard load files,
20 including .opt image load files and .data metadata load files.

21 ESI may be provided via CD, DVD, File Transfer Protocol site, portable hard or flash
22 drive, or other reasonably accessible media format. When practicable, please produce hard copy or
23 physical documents in scanned OCR’d PDF format with metadata intact or scanned TIFF format
24 with standard load files, including .opt image load files and .dat metadata load files. Data files
25 should not be zipped, encrypted, or otherwise restricted or proprietarily protected for specific use.
26 If the native file format is derived from software not accessible with Microsoft Office applications
27 (or other common applications), please so state in response to the particular Request.

28 If the Document or information requested is in a computer-readable form and not produced

1 in PDF or TIFF format, please specify the software (including the exact versions and release) used
2 to create the information. Also specify any other software, hardware, or other information such as
3 passwords or user-supplied files that are required or desirable in order to examine and use the
4 information. Specify the exact configuration of the hardware on which the information was
5 created, including the memory size (and graphics processing unit, if any, in the event the
6 information contains or requires graphics). Please give the exact name, release, and version of the
7 operating system used on the hardware.

8 NOTE: IF YOU ARE UNSURE AS TO THE INTENT AND MEANING OF ANY OF
9 THE FOREGOING DEFINITIONS OR ANY OF THE FOLLOWING REQUESTS FOR
10 PRODUCTION, YOU ARE HEREBY REQUESTED TO HAVE YOUR ATTORNEY
11 CONTACT ATTORNEYS OF RECORD FOR THE PROPOUNDING PARTY, WHO HEREBY
12 OFFER TO PROVIDE ANY NEEDED ASSISTANCE NECESSARY FOR YOU TO
13 UNDERSTAND THE INTENT AND MEANING OF ANY OF THE FOREGOING THEREBY
14 TO ENSURE THAT THE COURT IS NOT BURDENED BY ANY MOTION TO COMPEL
15 FURTHER RESPONSES TO REQUESTS FOR PRODUCTION BECAUSE OF ANY
16 UNCERTAINTY OF THE FOREGOING ON YOUR PART.

DOCUMENTS REQUIRED TO BE PRODUCED

REQUEST FOR PRODUCTION NO. 1:

All DOCUMENTS showing deposit details, RELATED TO the account ending in 3133 in the name of THE LITIGATION PRACTICE GROUP, P.C. (EIN 83-3885343), for the following periods:

- July 2021 through June 2022.

REQUEST FOR PRODUCTION NO. 2:

All DOCUMENTS, showing check details and deposit details, RELATED TO the account ending 3158, in the name of THE LITIGATION PRACTICE GROUP, P.C. (EIN 83-3885343), for the following periods:

- July 2021 through June 2022.

REQUEST FOR PRODUCTION NO. 3:

All DOCUMENTS, including statements, application(s) for account opening, opening and closing statements, checks, cleared check images, deposit details, wire transfers, cancelled checks, and authorized signatories, as well as all DOCUMENTS evidencing authorized cardholders including all statements evidencing charges by each such cardholder, RELATED TO the account ending 3588 in the name of VULCAN CONSULTING GROUP for the following periods:

- March 2019 through March 31, 2023.

4864-5004-1256, v. 1

EXHIBIT 2

MARSHACK HAYS LLP

ATTORNEYS AT LAW | LITIGATION | REORGANIZATION | BANKRUPTCY

Richard A. Marshack
D. Edward Hays
David A. Wood
Chad V. Haes
Laila Masud
Tinho Mang
Bradford N. Barnhardt
Sarah R. Hasselberger

Of Counsel
Kristine A. Thagard
Matthew W. Grimshaw

Sender: Bradford N. Barnhardt
bbarnhardt@marshackhays.com
Reference No. 1015-157

23 February 2024

VIA OVERNIGHT MAIL

JPMorgan Chase Bank, NA
Attn: James Dimon, CEO
1111 Polaris Parkway
Columbus, OH 43240

JP Morgan Chase Bank, NA
c/o CT Corporation System
Registered Corporate 1505 Agent
330 N. Brand Blvd., Ste. 700
Glendale, CA 91203

Re: *In re The Litigation Practice Group P.C.*
Case No. 8:23-bk-10571-SC

Dear Mr. Dimon and Agent for Service of Process:

Marshack Hays Wood LLP (“Firm”) represents Richard A. Marshack, the duly appointed and acting Chapter 7 Trustee (“Trustee”) for the Bankruptcy Estate (“Estate”) of The Litigation Practice Group, P.C. (“Debtor”). The purpose of this letter is to inform you of the Trustee’s intent to request certain documents be produced by March 25, 2024, pursuant to Rule 2004 of the Federal Rule Bankruptcy Procedure (“FRBP”).

Under FRBP 2004, a trustee may conduct an examination of “any entity” provided that the scope of the examination must relate to “acts, conduct, or property or to the liabilities and financial condition of the debtor, or to any matter which may affect the administration of the debtor’s estate or to the debtor’s right to a discharge.” *See*, Fed. R. Bank. P. 2004(b); *see also*, *In re Subpoena Duces Tecum & Ad Testificandum Pursuant to Fed. R. Bankr. P. 2004*, 461 B.R. 823, 829 (Bankr. C.D. Cal. 2011) (“The scope of a 2004 examination is ‘unfettered and broad’ and is akin to a ‘fishing expedition.’”).

Prior to prior to filing a motion for examination under FRBP 2004, the moving party must attempt to meet and confer (in person or telephonically) with you, or your counsel, to arrange for a mutually agreeable date, time, place, and scope of an

23 February 2024
Page 2

examination or production. *See*, Local Bankruptcy Rule 2004-1 for the Central District of California. Specifically, the Trustee requests the following documents be produced no later than March 25, 2024:

Account Name: The Litigation Practice Group, P.C. (EIN 83-3885343)

- Account ending 3133 – 07/2021 -06/2022 deposit details
- Account ending 3158:
 - 07/2021-06/2022 – Check detail
 - 07/2021 – 06/2022 – Deposit detail

Account Name: Vulcan Consulting Group

Account No. ending in 3588

- Statements: 03/2019 to 03/20/2023 including all opening and closing statements, and deposit detail
- All documents evidencing authorized cardholders including all statements evidencing charges by each such cardholder
- Application for account opening

To discuss arrangements for the Rule 2004 examination (document production **only**), please contact me by the close of business on March 1, 2024, by e-mail at bbarnhardt@marshackhays.com, or at my office (949) 333-7777. Again, the Trustee simply seeks documents from your institution to further his investigation into Debtor's assets and financial affairs and appreciates in advance your cooperation in this matter.

Sincerely,

/s/ Bradford N. Barnhardt

BRADFORD N. BARNHARDT

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
870 Roosevelt, Irvine, CA 92620.

A true and correct copy of the foregoing document entitled: **NOTICE OF MOTION AND MOTION FOR ORDER AUTHORIZING PRODUCTION OF DOCUMENTS FROM JPMORGAN CHASE BANK, NA PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 2004; MEMORANDUM OF POINTS AND AUTHORITIES; AND DECLARATION OF BRADFORD N. BARNHARDT IN SUPPORT** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **March 18, 2024**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL: On , I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

DEBTOR – MAIL REDIRECTED TO TRUSTEE
THE LITIGATION PRACTICE GROUP P.C.
17542 17TH ST, SUITE 100
TUSTIN, CA 92780-1984

JPMorgan Chase Bank, NA
Attn: James Dimon, CEO
1111 Polaris Parkway
Columbus, OH 43240

JP Morgan Chase Bank, NA
c/o CT Corporation System
Registered Corporate 1505 Agent
330 N. Brand Blvd., Ste. 700
Glendale, CA 91203

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL: Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **March 18, 2024**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

VIA PERSONAL DELIVERY:
PRESIDING JUDGE'S COPY
HONORABLE SCOTT C. CLARKSON
UNITED STATES BANKRUPTCY COURT
411 WEST FOURTH STREET, SUITE 5130 / COURTROOM 5C
SANTA ANA, CA 92701-4593

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

March 18, 2024
Date

Layla Buchanan
Printed Name

/s/ Layla Buchanan
Signature

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